



HÖGSKOLAN
DALARNA

Rules: Discrimination, Harassment and Victimisation

Decision: Vice-Chancellor 2015-05-04

Revised:

Dnr: DUC 2015/796/10

Valid from: 2015-05-04

Replaces: Regler mot kränkande särbehandling för personal vid Högskolan Dalarna, DUC 2012/838/10, Regler mot diskriminering och trakasserier, DUC 2010/2060/10

Related documents: Procedural Regulations: Discrimination, Harassment and Victimisation (Employees) and Procedural Regulations: Discrimination, Harassment and Victimisation (Students), DUC 2015/797/10

Updates: Director of Human Resources and Director of UFK

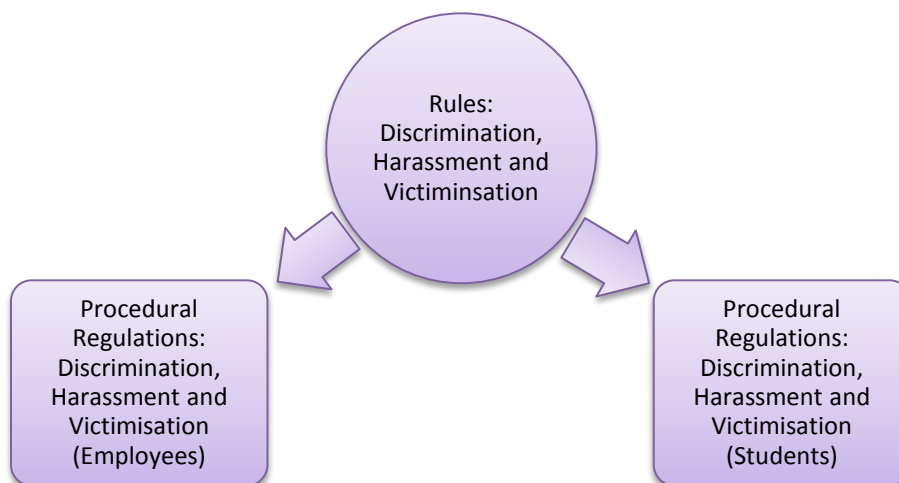
Introduction

Dalarna University, in its role as both employer and educator, will *actively promote* equal rights and opportunity and will also *prevent and preclude* the discrimination, harassment and victimisation of students and employees.

Should discrimination, harassment or victimisation occur in spite of this, it must be dealt with *quickly* and in a *respectful and relevant manner*, and there must be follow-up for the purpose of putting a stop to the situation. Problem resolution should first be attempted through dialogue and investigation.

The parties involved will be given adequate support – both the person who feels he or she is the victim as well as the person who has been reported for victimisation or discrimination.

This document serves as a starting point for the person who feels he or she is the victim of inappropriate treatment regardless of whether he or she is an employee or a student.¹ It contains information about the rules, explanations of the terms used, references to laws, and information about who to contact with a complaint. After this, referral is made to the respective Procedural Regulations document depending on whether the individual against whom the complaint is being made is an employee or a student.



Dalarna University's other policy documents that refer to the work environment, equality, diversity and equal treatment:

- *Arbetsmiljöpolicy*
- *Jämställdhetspolicy/Equality plan*
- *Mångfaldspolicy*
- *Plan för likabehandling av studenter/Plan for the equal treatment of students*
- *Handlingsplan för främjande av mångfald i arbetslivet/Action plan for furthering diversity at the workplace*
- *Handlingsplan för ökad tillgänglighet för personer med funktionshinder*

¹ Here, *student* also includes doctoral students.

Responsibility

The Vice-Chancellor has the overall responsibility for the work environment for both students and staff at Dalarna University.² This includes responsibility for ensuring that laws, rules and goals that have been formulated within this area are followed.

Managers at all levels in the organisation have direct responsibility for the prevention and handling of matters of discrimination, harassment and victimisation. They will actively work to see that issues concerning a good work environment and equal treatment are integrated into the regular practices of the organisation.

Furthermore, everyone at Dalarna University is responsible for treating one another with respect and for upholding a work environment that is free from discrimination, harassment and victimisation. This also applies to those completing a placement or those who are temporary workers.

Definition of Terms

The law differentiates between victimisation that relates to discrimination, which is regulated in [diskrimineringslagen \(SFS 2008:567\)](#) (the Discrimination Act), and other categories of victimisation, which are regulated in [arbetsmiljölagen \(SFS 1977:1160\)](#) (the Work Environment Act).

Discrimination

The law on discrimination applies if discriminatory actions that are committed at the workplace or in an educational context relate to those bases for discrimination as set out by law: sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age.³

According to the law,⁴ these are defined as such

- *Sex*: that somebody is a woman or a man. Anyone who intends to change or who has changed his or her gender affiliation is also protected by this law.
- *Transgender identity or expression*: that someone does not identify herself or himself as a woman or a man or expresses by their manner of dressing or in some other way that they belong to another sex.
- *Ethnicity*: national or ethnic origin, colour of skin or other such factor.
- *Disability*: permanent physical, mental or intellectual limitation of a person's functional capacity that as a consequence of injury or illness existed at birth, has arisen since then or can be expected to arise.
- *Sexual orientation*: homosexual, bisexual or heterosexual orientation.
- *Age*: length of life to date.

² Students are covered by the *arbetsmiljölagen* and are to be regarded as employees in the sense of the law (*arbetsmiljölagen* 1 chap. 3 §).

³ *Diskrimineringslag* 1 chap. 1 §

⁴ *Diskrimineringslag* 1 chap. 5 §

What is meant by *religion and other belief system* is not defined by the the Discrimination Act; however, *Diskrimineringsombudsmannen* (the Equality Ombudsman) states the following:

“Other belief system” refers to something other than religion but is limited to views that are based in or have a connection with a religious view. This does not mean ethical, philosophical or political values/views. Buddhism, atheism or agnosticism, for example, are comparable with religion and are included under the term “other belief system”.

Discrimination, according to the Discrimination Act ([diskrimineringslagen](#) 1 kap. 4 §), means:

1. Direct discrimination

That somebody is put at a disadvantage as a result of not being treated as well as somebody else in a similar situation if the disadvantage relates to one or more of the bases for discrimination.

2. Indirect discrimination

That somebody is put at a disadvantage when a decision, criterion or course of action is applied that appears neutral but that may very much disadvantage a person when related to the bases for discrimination if the decision, criterion or course of action does not have a legitimate purpose and the means used are suitable and necessary to meet the purpose.

3. Inadequate accessibility

That a person with a disability is put at a disadvantage because measures have not been taken that would afford the person comparable access as those who do not have the disability with respect to the right to accessibility as defined by laws and other statutes, and with consideration to

- financial and practical conditions,
- the duration and nature of the relationship or contact between the person and the organisation, and
- other circumstances of relevance.

4. Harassment

Behaviour that infringes upon somebody’s dignity and that has a connection with one or more of the seven bases of discrimination set by law.

5. Sexual harassment

Behaviour of a sexual nature that degrades somebody.

Individual incidents can also be seen to be harassment, which sets them apart from victimisation.

6. Instructions to discriminate

Orders or instructions to discriminate against a person in accordance with 1-5 above that are given to a person who is in a chain of command or dependency relationship to the person giving the orders or instructions, or who in relation to that person has undertaken to carry out a task.

Examples of discriminatory action and behaviour can be found on the website of *Diskrimineringsombudsmannen* (the Equality Ombudsman), www.do.se.

Victimisation⁵

Victimisation is regulated both by the [arbetsmiljölagen \(SFS 1977:1160\)](#) (the Work Environment Act) and by [arbetarskyddsstyrelsens författningssamling med föreskrifter om åtgärder mot kränkande särbehandling i arbetslivet \(AFS 1993:17\)](#) (The Ordinance of the National Board of Occupational Safety and Health containing Provisions on measures against Victimization at Work). Students are covered by the Work Environment Act and as such are to be regarded as employees in the sense of the law.⁶

Victimisation refers to repetitive reprehensible or negative actions that are directed towards individual employees or students in a degrading manner and that can lead to them being ostracised within their work or study community.⁷

Victimisation is a form of behaviour that is felt to be unwelcomed. It is the person on the receiving end who decides if the behaviour is victimisation. The same behaviour can affect people differently: while one person may find certain behaviour to be negative, another person may not.

Examples of victimisation:

- To knowingly talk negatively about a person or his/her family,
- To knowingly withhold work- or study-related information or provide such information that is incorrect,
- To knowingly sabotage or make difficult somebody's work or studies,
- Clearly insulting ostracism, disregard or neglect,
- Persecution, threat and behaviour that invokes fear in another,
- Conscious insults and overly critical or negative judgements or approaches (mockery, unfriendliness, etc.),
- To knowingly abuse one's position of power,
- Checking up on somebody without their knowledge and with the purpose of doing harm,
- Imposing so-called administrative punishments without objective reasons or without together trying to solve any underlying problems, e.g., the removal of work duties and redeployment, and making difficult the application to a course/programme, and similar. The sanctions are imposed in such a way as to be regarded as deeply and personally insulting or as an abuse of power.

Differences of opinion, conflicts and problems between colleagues working together that occasionally arise are not to be regarded as victimisation as long as the mutual views and actions in connection with the problems do not aim to damage or consciously victimise a person. Victimisation occurs only when the personal conflicts can no longer be characterised as mutual.⁸

Nor, as a rule, is it a case of victimisation when an examiner decides to fail a student. A student who feels that he or she has received an incorrect grade must contact the examiner, who may review and even

⁵ There are indications that new regulations on victimisation are being developed and this paragraph may as such be changed in 2015.

⁶ *Arbetsmiljölagen* 1 chap., 3 §

⁷ AFS 1993:17, 1 §

⁸ AFS 1993:17, comments for 1 §, p. 6

change the grade according to the rules as set out in the [högskoleförordning \(1993:100\)](#) (the Higher Education Ordinance).⁹

Preventative Work

With openness, courage and responsibility as the focus, Dalarna University will actively work to prevent anybody within the University from being discriminated against or victimised. Examples of preventative work can be found in *Procedural Regulations: Discrimination, Harassment and Victimisation (Employees)* and *Procedural Regulations: Discrimination, Harassment and Victimisation (Students)*.

When Discrimination, Harassment or Victimisation Happens

If the University learns that an *employee* feels him- or herself to be a victim of harassment by somebody from Dalarna University in conjunction with his or her work, then the University has an obligation to investigate the circumstances surrounding the described harassment and, where appropriate, to take those measures that can reasonably be required to prevent harassment in the future.¹⁰ This obligation also applies if the University is made aware of a *student* in a course/programme or a *student* applying to the University who feels him- or herself to have been a victim of harassment or discrimination.¹¹

The University has a further obligation to take measures to put a stop to the situation and to investigate whether the reasons for the problems exist within the organisation, if there are indications of victimisation.¹²

The above also applies in relation to temporary staff or to placements (VFU) or other workplaces where the individual is there as a representative from Dalarna University. If a student is completing part of his or her education at another workplace, then any investigation must be conducted in consultation with representatives from that workplace.

Who Can Help? – Measures

Any situations of discrimination, harassment or victimisation must, when relatively simple, first be resolved by way of dialogue and initial investigation, and measures must be taken for the purpose of putting a stop to the situation.

The person who feels him- or herself to be a victim of discrimination or victimisation in any form must immediately be able to seek help from somebody he or she trusts. This is also the case for the person who has been indicated as the perpetrator. The University's representatives shall safeguard the integrity and legal security of both parties and treat the information they receive with discretion.¹³

⁹ *Högskoleförordning*, 6 chap, 23-24 §§ and *förvaltningslag* 26 §. Also see *Rättssäker examination* 2008:36 R, pp. 61-65.

¹⁰ *Diskrimineringslag* 2 chap., 3 §

¹¹ *Diskrimineringslag* 2 chap., 7 §

¹² AFS 1993:17, 5 §

¹³ If a victim in a situation of discrimination or victimisation after initial contact with a representative for the employer/educator, in accordance with what is given in this document, for any reason does not wish to pursue the matter further, the University has nonetheless a general investigation obligation in the individual case. Only student counsellors, occupational health and the university chaplain can observe the wish for anonymity.

Students can seek help from, for example, a teacher, a course or subject representative, a programme director, the University's student counsellors or the Diversity Coordinator. They can also seek help from student representatives or the Chairperson of the Student Union.

Staff can, in a similar way, seek help from their managers or the Director of Human Resources (if the person against whom the complaint is made is him- or herself a manager, then the Director of Human Resources is always the one to contact). Others who can help are human resources officers (specialisation work environment), the Diversity Coordinator or a union representative. An employee who would like to talk to somebody external to the organisation can contact occupational health services (*Företagshälsovården*).

A university employee who has been contacted is responsible for ensuring that the person who feels him- or herself to be a victim receives the support and help that he or she needs and also, in unclear cases, for contacting the nearest manager, senior manager or Director of Human Resources, who will then determine whether a formal complaint should be made.

If the situation cannot be resolved in the above manner, a formal complaint can be made. It must be put to the Vice-Chancellor and sent to registrator@du.se. This applies for both students and staff. It is the person who feels him- or herself to be a victim who must decide whether to make formal the complaint. After this, an investigation must be conducted. The matter may be decided by the Staff Disciplinary Board or Disciplinary Board.

If the person making the complaint is not satisfied with the investigation conducted by the University or with the University's position in the case of a matter of discrimination, then he or she can contact *Diskrimineringsombudsmannen* (the Equality Ombudsman), www.do.se.

Advice to those who feel they have been victimised

- It is how you experience a situation that determines whether an incident or behaviour is not welcome.
- Act quickly if you repeatedly feel yourself to be a victim.
- Speak your mind. You have the right to express your opinion if you find something to be discriminatory, victimising or unpleasant. If you can, make it clear to the person you feel is victimising you that his or her behaviour is not welcome.
- Document events. Note the time and place, details of what happened and the way in which those involved reacted.
- Speak with those people you trust and let them help you assess the situation.
- Report the incident(s) if you feel this is what is necessary to have the behaviour stop.

Measures

The measures that may be taken as a result of discrimination or victimisation are provided in *Procedural Regulations: Discrimination, Harassment and Victimisation (Employees)* and *Procedural Regulations: Discrimination, Harassment and Victimisation (Students)*.

Contact Information, see website

Staff	Students
Human Resources Director	Student Union
Human Resources Officer (Specialisation Work Environment):	Diversity Coordinator
Diversity Coordinator	Coordinator for Students with Disabilities
Union Representatives	Student Counselling
Occupational Health	Student Chaplain
Head of Work Environment:	Head of Work Environment

If you cannot reach any of these contacts, then call the university switchboard: somebody there can direct you further – 023-77 80 00.

Formal complaints shall be put to the Vice-Chancellor and sent to registrator@du.se.